

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8651 of 1995

For Approval and Signature:

Hon'ble MS.JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

R M SOLANKI

Versus

STATE OF GUJARAT

Appearance:

MR GI DESAI for Petitioners

MR DA BAMBHANIA for Respondent No. 1

SERVED for Respondent No. 2, 3

CORAM : MS.JUSTICE R.M.DOSHIT

Date of decision: 11/08/97

ORAL JUDGEMENT

Petitioners before this Court are Laboratory Attendants serving under the Director of Food and Drugs Control Administration. It is the claim of the petitioners that all the Laboratory Attendants serving under the said Directorate possess the same educational

qualification and perform the same duties. However, they are not treated at par in as much as they are divided into two groups in the matter of pay. The pay scales prevalent amongst the Laboratory Attendants are Rs.770-940 and Rs.775-1025. The petitioners rely upon the recommendation made by the Commissioner of Food and Drugs Control Administration on 6th January, 1989. The Commissioner has submitted to the Government that all the Laboratory Attendants belong to the same class and they perform the same duties and the disparity in their pay is not justified. The claim made by the petitioners has been rejected by the Government under communication dated 2nd July, 1993 which is not supported by any reason.

2. Upon perusal of the relevant entries in the Gujarat Civil Services [Revision of Pay] Rules, 1987, at Entry No. 75 and 76 on page No. 119, it appears that even prior to the said date, two separate pay scales were prevailing amongst the Laboratory Attendants one being Rs.196-232 and the other being 200-250. Under the said Rules, former scale has been revised to that of Rs.750-940 and the later scale has been revised to that of Rs.775-1025. Thus, it is apparent that the disparity in pay amongst the laboratory attendants is prevalent since prior to the implementation of the above referred rules. However, the reasons are not known. The petition is not supported by any relevant material like recruitment rules, duty list etc. In absence of such relevant material, the claim made by the petitioners for higher pay at par with the other set of laboratory attendants cannot be accepted. It is well settled law that the persons claiming parity of pay have to establish their claim. The claim made in this petition, therefore, cannot be accepted for want of adequate material. It is, therefore, directed that the respondent authorities shall consider the claim made by the petitioners through their representation dated 3rd March, 1992 and 30th March, 1992 Annexure "B" to the petition collectively within a period of three months from the date of receipt of writ of this Court. In the event the petitioners' claim for parity of pay is rejected, same shall be supported by a speaking order. In that eventuality, the petitioners shall be at liberty to file fresh petition in the subject matter of this petition. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs. Registry is directed to send the writ forthwith.

Vyas